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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/656,324 | 09/08/2003 | Bor Yann Chuang | 7203/82350 | 9202 |

22242 7590 01/23/2008
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
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CHICAGO, IL 60603-3406

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| EXAMINER |
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SELF, SHELLEY M

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| ART UNIT | PAPER NUMBER |
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3725

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| MAIL DATE | DELIVERY MODE |
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01/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/656,324 | | CHUANG, BOR YANN | |
| | Examiner | | Art Unit | |
| | Shelley Self | | 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-7 is/are allowed.
 6) ☒ Claim(s) 8-11 and 13-27 is/are rejected.
 7) ☒ Claim(s) 12 and 28 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 4/11/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on April 7, 2006 has been considered but is ineffective to overcome the prior art reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-11 and 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Jedlicka et al. (5,533,557). Claims 8-11 and 13, 22 are rejected as noted in the previous Office Action (11/2/05).

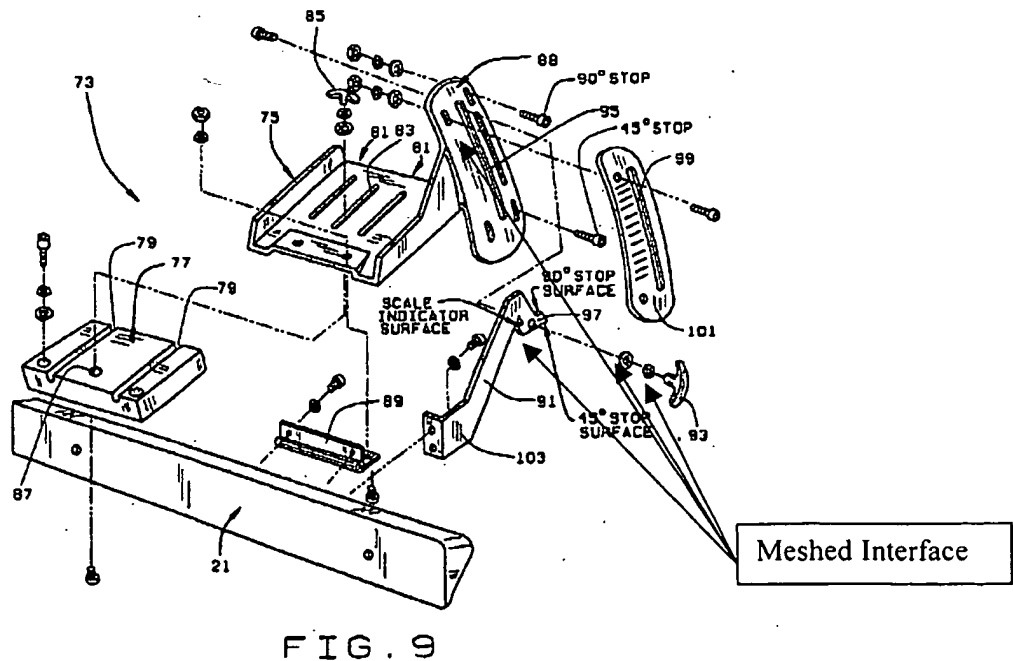
With regard to claims 8 and 25, Jedlicka discloses an adjustable stop plank for a power tool (fig. 1) having a work surface (7, 9), the adjustable stop plank further comprising: a drive mechanism (23, 27, 47, 75, 89, 91, 113, 127, 129) connected to the stop plank (21) for continuous adjustment of an angle (col. 7, lines 53-67 to col. 8, lines 1-8; 50-61) of the stop plank (21) with respect to the work surface within a predetermined range of angles; and an actuator (55, 93, 137) for operating the drive mechanism (23, 27, 47, 75, 89, 91, 113, 127, 129) to adjust the angle of the stop plank (col. 7, lines 53-67 to col. 8, lines 1-8; 50-61), such that rotation of the actuator correlates with angular displacement of the stop plank.

With regard to claim 9, Jedlicka discloses drive mechanism (27) has an interface with at least one tooth (fig. 7) that allows the stop plank to be moved to different angles with respect to

the work surface (col. 6, lines 47-51, 57-61). Examiner notes the "upstanding ears" (embodiment fig. 7) of the drive mechanism (23, 27) incorporating a pivot fence (47) operate as a tooth (i.e., projection) so as position the adjustable stop plane (21) at different angles relative to the work surface (7, 9).

With regard to claim 10, Jedlicka discloses the drive mechanism includes components having a meshed interface (fig. 9), which cooperate to adjust the angle of the stop plank. Examiner notes, *meshed to be defined as working contact*.

With regard to claim 11, Jedlicka discloses the drive mechanism (23, 27) having a threaded interface (63) that allows the stop plank to be moved to different angles with respect to the work surface (fig. 7; col. 6, lines 64-67 to col. 7, lines 1-7) .



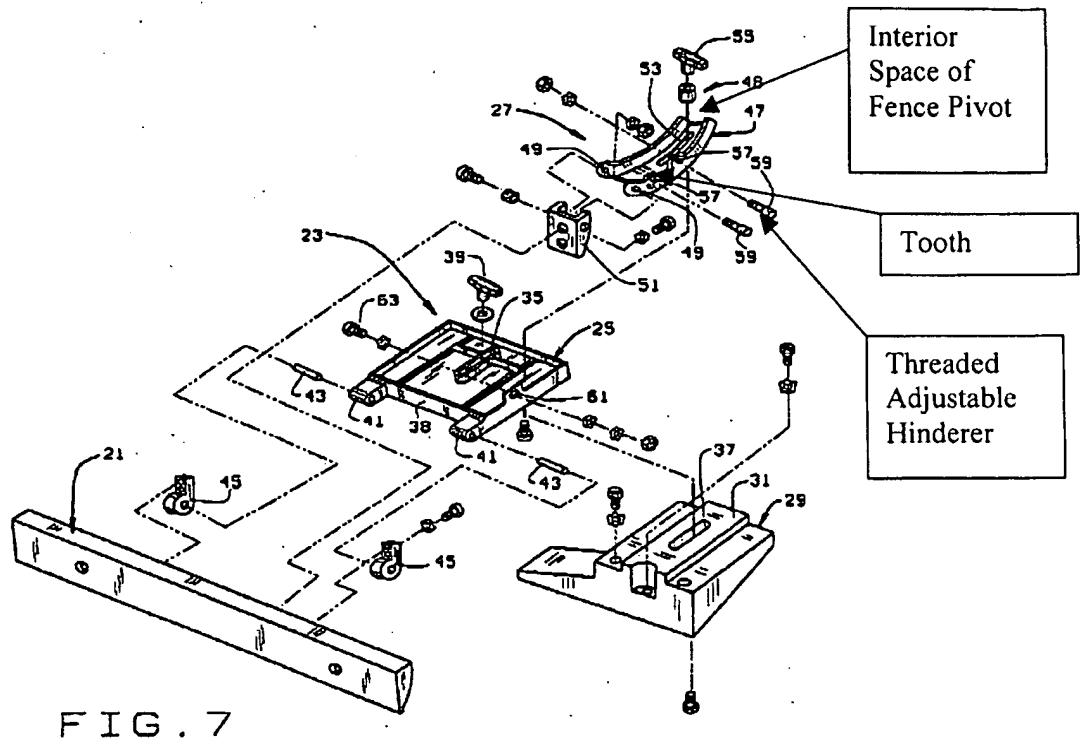
Examiner notes the actuator (93) has a projection portion which meshes with cooperating structure so as to be coupled to the lever (91) of the drive mechanism (75, 89, 91) so as to cooperate to adjust the angle of the stop plank via movement of the actuator (93) and rotation of the hinge (89) affixed to the stop plank (21) resulting in adjustment of the angle of the stop plank (fig. 9).

With regard to claims 13 and 23, Jedlicka discloses the actuator (55, 93, 137) is hand operated (fig. 7-11).

With regard to claim 14, Jedlicka discloses the hand operated actuator (55, 93, 137) is a spindle and movable in a clockwise direction to adjust the angle of the stop plank (21) in a first direction and movable in a counterclockwise direction to adjust the angle of the stop plank (21) in a second direction.

With regard to claim 15, Jedlicka discloses at least one stop (col. 6, lines 59-67 to col. 7, lines 1-10; col. 8, line 7).

With regard to claims 16 and 17 Jedlicka inherently discloses wherein the at least one stop comprises an adjustable hinderer/bolt (59,63) which may be adjusted to obstruct movement of the stop plank (21) beyond the at least one predetermined angle. Examiner notes that Jedlicka's threaded engagement of the at least one stop (59, 63) inherently lends to adjustability of the stop, i.e., threadably engaging the fence pivot (47) completely through the hole (57) into the interior space of the fence pivot (47) will lend to a different stop angle of the stop plank (21) than adjusting the stop (59) only on one side of the hole (57) and not into the interior space of the fence plate (fig. 6).



With regard to claim 18, Jedlicka discloses the actuator (93; fig. 9) may be rotated in a clockwise or counterclockwise direction to make micro-adjustments (col. 7, line 67 to col. 8, lines 1-7) to the angle of the stop plank (21).

With regard to claim 19, Jedlicka discloses a display (101) for indicating the angle of the stop plank (col. 7, line 67 to col. 8, lines 1-7; fig. 9, scale indicator surface).

With regard to claim 20, Jedlicka discloses indicia (fig. 9; 101) and an index (fig. 9; scale indicator surface of lever 91).

With regard to claim 21, Jedlicka discloses a planar (1) comprising a base (3) having a workpiece support table (7) and an adjustable stop plank (21) for positioning a workpiece; and a display (101) for indicating a current angle of the stop plank (21) with respect to the workpiece support table (7).

With regard to claim 22, as noted above with reference to claim 20, Jedlicka discloses the display (101) comprises indicia and an index (fig. 9).

With regard to claim 24, Jedlicka inherently discloses the actuator (39, 55, 125, 137, 133) rotatable and rotation of the actuator results in a corresponding change in the angle of the stop plank. Examiner notes the loosening and tightening of the knobs (39, 55, 125, 137, 133) results in angular adjustment of the stop plank.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jedlicka et al. (5,533,557) in view of Westermann et al. (DE3841480 A1). Jedlicka does not disclose at least one gear. Westermann teaches in a closely related art a woodworking machine including a worktable surface and an adjustable angle stop plank. Westermann teaches the use of a gear set

Art Unit: 3725

(adjusting pinion) engaging a rack to adjust the stop plank/plane. Because the references are from a closely related art and deal with a similar problem, i.e. adjusting the angle of a stop plank it would have been obvious at the time of the invention to one having ordinary skill in the art to replace, Jedlicka's drive mechanism with at least one gear operably connected to the stop plank so as to adjust the stop plank as taught by Westermann.

Allowable Subject Matter

Claims 1-7 are allowed.

Claims 12 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As noted in the previous Office Action (11/2/05), the art of record does not disclose or fairly suggest a micro-adjusting device for an angle stop planer having a hand wheel, an upper and lower connecting rod pivotally connected with the stop plank and holding frame and a *transmission rod transversely inserted in the holding frame having an end formed with a worm wheel the worm wheel meshed with a worm of the hand wheel and the other end formed with a transmission gear* in combination with the rest of the claimed limitations as set forth in claim 1.

The prior art of record does not disclose or fairly suggest *the threaded interface comprises a worm gear having a worm driven by the actuator, the worm engages a wheel* in combination with the rest of the claimed limitations as set forth in claims 12 and 28.

Eschenburg discloses a micro-adjusting means for an angle stop plank/abutment having a holding frame (52), an upper (63) and lower (58) connecting rod pivotally connected to the holding frame and angle stop plank/abutment (50). Eschenburg does not disclose any *transmission rod having an end formed to mesh with a hand wheel or the other end formed with a transmission gear*. Eschenburg teaches adjustment of the angle stop plank/abutment made via a locking bolt (68), nut (70) and handles (71, 75). Eschenburg discloses the rotation of handle (71) to position/adjust upper connecting rod (63) and handle (75) for adjusting/position of stop plank/abutment (50). Accordingly, Eschenburg fails to anticipate or render obvious the claimed invention as set forth in claim 1.

As noted above, Jedlicka et al. discloses an adjustable stop plank (21) for a planer/power tool apparatus having a working surface. Jedlicka discloses the adjustable stop plank (21) to be adjustable angularly with respect to the working surface of a planer/power tool apparatus, via brackets (23, 75, 127) and drive mechanisms (figs. 6-11). Jedlicka does not disclose a *threaded interface comprising a worm gear* and in fact fails to disclose any gearing. Instead, Jedlicka discloses the angle stop plank (21) to be affixed to the drive mechanism(s) via fasteners (fig. 6-11) and the stop plank (21) to be adjustably positionable via pivoting structure (45, 89, 129, 131) such that as the actuator (55, 93, 137) is moved the angle stop plank (21) is rotated about pivoting/structure (55, 93, 137) to change/adjust the position, i.e., angle of the angle stop plank (21) relative to the working surface. Accordingly, Jedlicka fails to anticipate or render obvious the claimed invention as set forth in claims 12 and 28.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 12 and 28. Accordingly, claims 1, 12 and 28 contain allowable subject matter over the prior art of record.

Response to Arguments

Applicant's arguments filed April 7, 2006 have been carefully considered but they are not persuasive. Applicant's remarks are drawn to the failure of prior art reference, Jedlicka to disclose or fairly suggest "a drive mechanism" and "an actuator for operating the drive mechanism to adjust the angle of stop plank..." (Pg. 16 of Remarks 4/7/06). Further Applicant states that the Examiner's interpretation of Jedlicka's components (23, 27, 47, 75, 89, 91, 113, 118, 127, 129) and (39, 55, 85, 93, 125, 133, 137) are merely brackets, knobs and threaded fasteners that do not define a drive mechanism and that the knobs and threaded fasteners merely work in conjunction with the brackets such that the knobs can be rotated and loosened to allow the various brackets (coupled to the stop plank) to be adjusted. And do not act as a drive mechanism. This argument however is not found persuasive, because the "drive mechanism" as defined by claim 1, is not defined with any relativity as it relates to structure, i.e. the drive mechanism is defined only functionally, "for continuous adjustment of an angle of the stop plank..." Examiner notes that Jedlicka's brackets (connected to the stop plank), knobs and fasteners work to adjust the angle stop, further Examiner notes, Jedlicka's knobs can be rotated to be tightened and loosened to enable adjustment of the brackets for adjusting the stop plank. Thus these elements do function as a "drive mechanism" As to the argument that no actuator is disclosed, this is not found persuasive, for the reasons noted above, i.e., Jedlicka's knobs act as

an actuator in that an operator, rotates the knobs to facility adjustment of the stop plank.

Accordingly, Jedlicka does disclose the claimed invention as positively recited.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

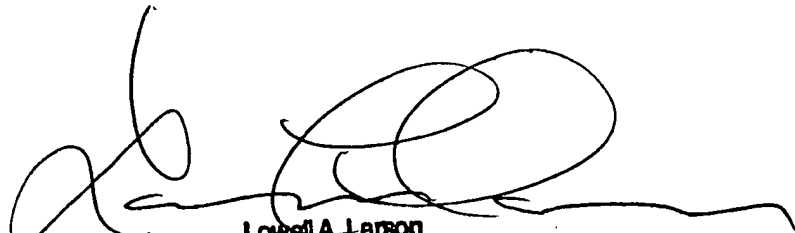
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

July 16, 2006



Lowell A. Larson
Primary Examiner



REPLACEMENT SHEET
Xun LEI et al.
Application 10/658,324, Filed 9/8/2003
FITCH, EVEN, TABIN & FLANNERY
Edward E. Clair (312) 577-7000
Attorney Docket 7203/82350

1/8

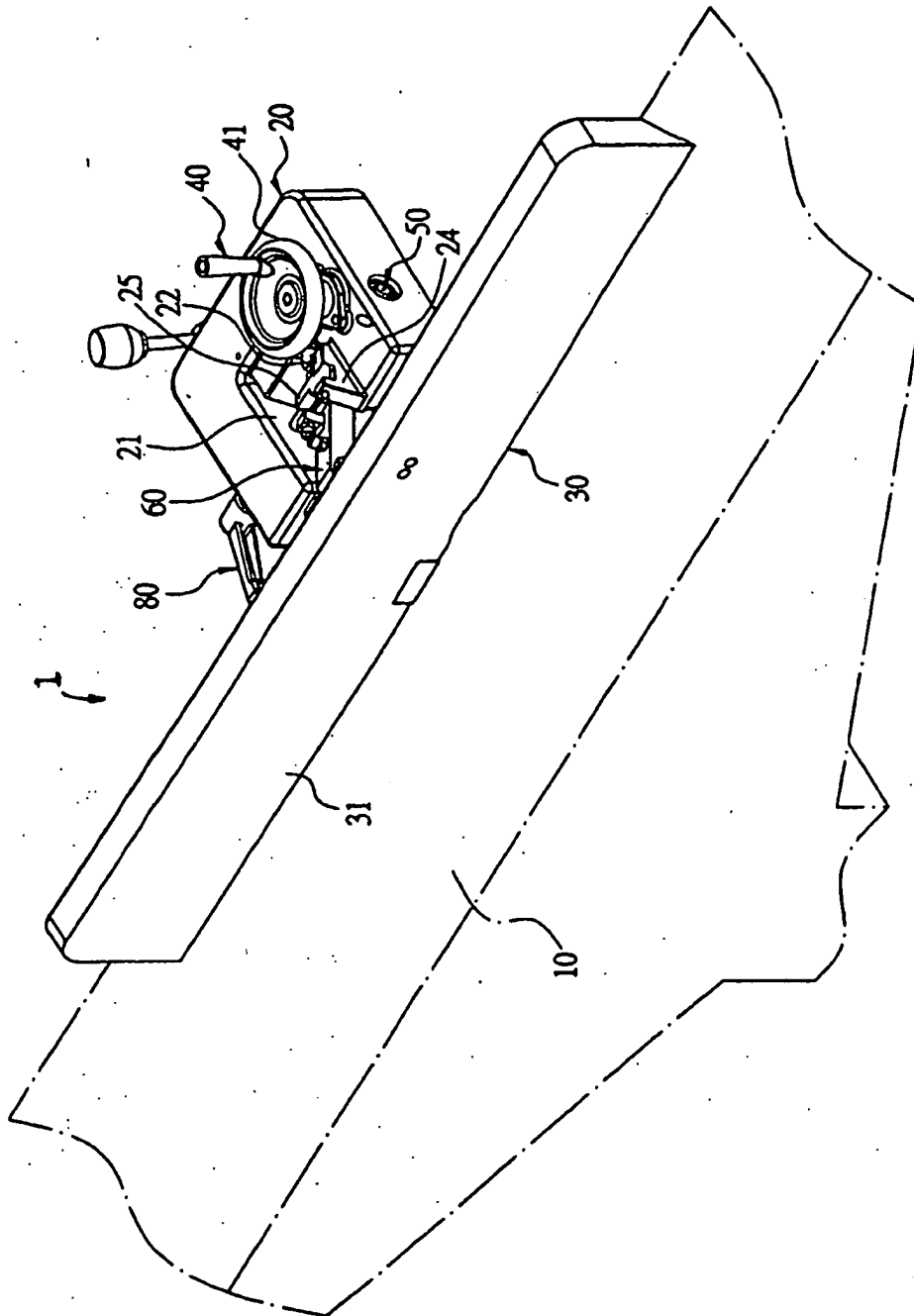


FIG. 1

Drawings
D. E. Smith